

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SUZANNE O.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01043-RLY-TAB
)	
ANDREW M. SAUL, Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION


On May 17, 2021, the Magistrate Judge issued a Report and Recommendation, recommending that the court remand this case to the Administrative Law Judge (1) to address the record evidence relating to the paragraph C criteria of Listings 12.03, 12.04, and 12.15; (2) to consider Plaintiff's absenteeism and time off task in the residual functional capacity assessment; and (3) to provide additional reasoning¹ to her analysis of the treating source opinions. Neither party objects. Consequently, the court reviews the Report and Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the record, the court finds that the Magistrate Judge

¹ The Magistrate Judge found the ALJ's reasoning for discounting the opinions of the treating sources was "very general . . . with no citations to the 'inconsistent' evidence of record." (Filing No. 25 at 16). But because Plaintiff failed to articulate how she was harmed by the ALJ's assessment of the treating source opinions, the Magistrate Judge found that "Plaintiff has not provided a sufficient argument to justify remanding on this issue." (*Id.*). He concluded: "However, since remand is appropriate as previously described, the ALJ should also consider elaborating more in her discussion of Plaintiff's treatment sources and how those opinions are inconsistent with the record." (*Id.*).

did not commit clear error. Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 15). Plaintiff's case is hereby **REMANDED** to the Commissioner for further proceedings pursuant to 42 U.S.C. § 405(g), sentence 4.

SO ORDERED this 3rd day of June 2021.

6/03/2021



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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